

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

P.S. – Departmental Proceedings against Sri J.Buchaiah, former MEO, Indravelli and retired as PG H.M., ZPSS, Narnoor, Adilabad Dist., under Rule 9 of A.P.Revised Pension Rules, 1980 – Articles of Charges – Issued

EDUCATION [SE.Vig.I] DEPARTMENT

G.O.Rt.No. 399,

Dated: 16.07.2010.

Read the following:

- 1 From the DEO, Adilabad, Proceedings Rc.No.321/B2/93, dt.29.4.1993. (suspension)
- 2 From the DEO, Adilabad, Proc.Rc.No.B1/321/93, dt.6.7.1997
- 3 From the APAT, order dt.23.9.1997 in O.A.No.5121/1997
- 4 From the C&DSE,Hyd., Lr.Rc.No.1211/C2-1/93, dt.5.12.2001.
- 5 G.O.Ms.No.21 Edn., dt.27.2.2002.
- 6 From the DEO, Adilabad, in his Proc.Rc.No.B1/321/2002-2, dt.14.8.2002
- 7 From the DEO, Adilabad, Proc.No.321/B1/93, dt.18.10.2002 (charge memo)
- 8 From the APAT, order dt.28.10.2009 in O.A.No.7391/2006.
- 9 From the D.E.O., Adilabad, letter Rc.No.B1/321/1993, dt.22.1.2010.

O R D E R :

Sri J.Buchaiah, while working as MEO, Indravelli, Adilabad Dist., was trapped by the ACB on 8.2.1993 when he demanded and accepted an amount of Rs.300/- from Sri K.Raju, Asst.Teacher, Upper Primary Ashram School, Pittabongaram of Adilabad Dist., for sanction for 5 days Casual Leave. He was placed under suspension vide Proc. of DEO, Adilabad, dt.29.4.1993. In the Proc. dt.6.7.1997, the DEO reinstated Sri J.Buchaiah into service and imposed the penalty of stoppage of 3 annual grade increments with cumulative effect on him and treated his suspension period as "Not on duty". As the disciplinary proceedings were not in accordance with rules and as per the orders of APAT dt.23.9.1997 in O.A.No.5121/1997 and the orders issued in G.O.Ms.No.21, Edn., dt.27.7.2002, the DEO, Adilabad, in his Proc.dt.14.8.2002 regularised the suspension period of Sri J.Buchaiah as duty under FR 54(b)(1) subject to outcome of the disciplinary proceedings against him and that these orders will be reviewed under FR 54(B)(6) after finalization of the disciplinary proceedings.

2. The D.E.O., Adilabad, has issued Charge Memo., to Sri J.Buchaiah, PG H.M., ZPSS, Narnoor, Adilabad Dist., vide Proc. dt.18.10.2002, while he was in service and obtained his written statement of defence. Sri J.Buchaiah retired on 31.10.2002. The DEO issued enquiry notice dt.23.11.2006.

3. The APAT, in its order dt.28.10.2009, set aside the Proc.of DEO dt.18.10.2002 & 23.11.2006 (charge memo. and enquiry notice) on the ground that the DEO is not competent authority (RJD is the competent authority) and however ordered that the respondents are at liberty to proceed with the enquiry by following the procedure laid down, if the law permits.

4. According to Rule 9(6)(a) of A.P.Revised Pension Rules,1980, departmental proceedings shall be deemed to be instituted from the date of suspension of Sri J.Buchaiah. Though the suspension period of Sri J.Buchaiah was regularised as duty, it was subject to outcome of the disciplinary proceedings against him and that these orders will be reviewed under FR 54(B)(6) after finalization of the disciplinary proceedings.

5. In view of the orders of the APAT., 8th read above and after careful examination of the matter, Government have decided to frame articles of charges afresh against Sri J.Buchaiah,P.G.H.M.(Retd.), ZPSS, Narnoor, Adilabad Dist., as the disciplinary proceedings were deemed to be initiated from the date of suspension.

6. Accordingly, it is proposed to hold an inquiry against the said Sri J.Buchaiah in accordance with the procedure laid down in Rule 20 of the A.P.C.S.(CCA) Rules, 1991 read with Rule 9 of A.P.Revised Pension Rules,1980.

7. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

8. Sri J.Buchaiah is directed to appear before the disciplinary authority within 10 working days from the receipt of this order and submit his written statement of his defence.

9. Sri J.Buchaiah is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore specifically admit or deny each article of charge.

10. Sri J.Buchaiah is further informed that if he does not submit his written statement of defence on or before the date specified in para 8 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the A.P.C.S.(CCA) Rules,1991, or the orders / directions issued in pursuance of the said rules, inquiring authority may hold the inquiry against him ex parte.

11. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SECRETARY TO GOVERNMENT(SE)

To

Sri J.Buchaiah through D.S.E., Hyd.

The Director of School Education, Hyderabad.

Copy to the Regional Joint Director of School Education, Warangal.

Copy to the District Educational Officer, Adilabad.

SF/SC.

// FORWARDED : BY ORDER //

SECTION OFFICER

ANNEXURE – I

**STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI J.BUCHAIAH,
FORMER M.E.O., INDRAVELLI, ADILABAD DISTRICT :**

That Sri J.Buchaiah, while working as Mandal Educational Officer, Indravelli, Adilabad District., has committed grave misconduct as much as he demanded and accepted bribe amount of Rs.300/- on 8.2.1993, from Sri K.Raju, Asst.Teacher, Upper Primary Ashram School, Pittabongaram of Adilabad Dist., for sanction for 5 days Casual Leave.

Thus Sri J.Buchaiah by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and thereby contravened Rule 3 of A.P.Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SECRETARY TO GOVERNMENT(SE)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI J.BUCHAIAH, FORMER M.E.O., INDRAVELLI, ADILABAD DISTRICT :

Sri J.Buchaiah worked as M.E.O., Indravelli, Adilabad Dist., and while working as such, he was caught red handed by the ACB on 8.2.1993. He was placed under suspension and subsequently reinstated into service and retired from service as PG H.M., ZPSS, Narnoor, Adilabad Dist., on attaining the age of superannuation.

On 8.2.1993, Sri K.Raju, Asst.Teacher, Upper Primary Ashram School, Pittabongaram of Adilabad Dist., complained to the ACB that Sri J.Buchaiah, M.E.O., Indravelli, demanded Rs.300/- as bribe for sanction of 5 days Casual Leave to him which he required to attend his sick wife. After verifying the genuineness of the complaint and after verifying the antecedents of Sri J.Buchaiah, MEO and after following the due procedure, the ACB laid a trap against him. As per Circular Memo.Rc.No.A/Edn/55/90, dt.16.1.1991 and No.A4/Edn/868/92, dt.26.10.1992 issued by the Project Officer, I.T.D.A., Utnoor, the M.E.Os., were authorized to sanction the casual leave to the teachers of Ashram Primary and Upper Primary Schools running under the Management of I.T.D.A., in Adilabad District. Sri J.Buchaiah was caught red handed by the ACB when he demanded and accepted bribe amount of Rs.300/- from Sri K.Raju on 8.2.1993 in a private hotel at Indravelli, for sanction for 5 days Casual Leave. After keeping money in his pant pocket, Sri J.Buchaiah sanctioned leave by putting his signature under date 8.2.1993 on the said leave application. During the course of trap proceedings, the complainant produced the leave application signed by the A.O., and it is disclosed that the A.O. sanctioned leave and put his signature under dt.8.2.1993. When questioned by the D.S.P., ACB , before the mediators, as to whether he has demanded and accepted any bribe from Sri K.Raju, the A.O. Sri J.Buchaiah admitted to have accepted the bribe from the complainant Sri K.Raju for sanctioning leave to him and produced a wad of currency notes by removing it from his right side pant pocket. On verification, the notes and numbers of the marked currency notes (six Rs.50/- currency notes) were found tallied with the numbers mentioned in the 1st Mediators Report.

Thus Sri J.Buchaiah, on account of the above mentioned acts, has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) and (2) of A.P.Civil Services (Conduct) Rules, 1964.

Thus Sri J.Buchaiah has rendered himself liable for a regular Departmental action.

Dr.D.SAMBASIVA RAO
SECRETARY TO GOVERNMENT(SE)

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS :

- 1 Leave Application of Sri K.Raju, Asst.Teacher, Upper Primary Ashram School, Pittabongaram of Adilabad Dist.
- 2 Complaint of Sri K.Raju.
- 3 Mediators Reports.
- 4 Any other document required to be relevant, will be produced during the inquiry.

ANNEXURE-IV

LIST OF WITNESSES :

- 1 ACB officials concerned.
- 2 E.Madhava Reddy, the then MRO, Godhihatnoor and his Revenue Inspector, who acted as Mediators.
- 3 Sri D.Narayana, Head Master, Ashram School, Pittabongaram, Adilabad Dist.
- 4 District Educational Officer (Agency), Utnoor.
- 5 K.Raju, Asst.Teacher, Upper Primary Ashram School, Pittabongaram of Adilabad Dist (complainant)
- 5 Any other witness, required to be relevant, will be produced during the inquiry.

Dr.D.SAMBASIVA RAO
SECRETARY TO GOVERNMENT(SE)

SECTION OFFICER